

A.D. 4.3, Court Processes - Prepared for signature 2/9/01 - effective 3/9/01

1. Policy. The Department shall comply with court ordered documents pertaining to each inmate under the custody of the Commissioner of Correction.
2. Authority and Reference.
 - A. Connecticut General Statutes, Sections 6-32, 7-135, 18-23, 18-50, 18-63, 18-65, 18-65a, 18-73, 18-76, 18-81, 18-81a, 18-82, 18-96, 18-97, 18-100, 18-104, 18-106, 51-34, 51-186, 52-261, 52-468, 53-304, 54-2a, 54-43, 54-53a, 54-64b, 54-64c, 54-64d, 54-65, 54-66, 54-82c, 54-82d, 54-82e, 54-92a, 54-96b, 54-97, 54-98, 54-127, 54-157 through 54-180, 54-186, 54-192, and 54-197.
 - B. American Correctional Association, Standards for Adult Correctional Institutions, Third Edition, January 1990, Standards 3-4262 and 3-4272.
 - C. American Correctional Association, Standards for Adult Local Detention Facilities, Third Edition, March 1991, Standards 3-ALDF-3E-01 and 3-ALDF-4A-01.
 - D. Administrative Directive 9.3, Admissions, Transfers and Discharges.
3. Definitions. For the purposes stated herein, the following definitions apply:
 - A. Bond. A guarantee in fulfillment of bail, usually an amount of money, for the appearance of an accused in court.
 - B. Capias. A document issued by a court in order to assure that an inmate promptly appears before the court.
 - C. Commitment. The confinement of an individual to the custody of the Commissioner of Correction.
 - D. Court Ordered Release. The discharge of an inmate by reason of a court order.
 - E. Detainer. A notice issued by a competent authority which requests the Warden of a correctional facility to retain in his custody a person therein named.
 - F. Fine. A legal disposition for a sum of money that is required to be paid or time to be served.
 - G. Governor's Warrant. A warrant issued by the governor of a state in which a fugitive has taken refuge or is found commanding that the fugitive be arrested and delivered over to designated agents of a state which seeks to extradite the fugitive.
 - H. Interstate Agreement on Detainers. A statutorily authorized agreement among various states which provides a standard procedure for the disposition of a pending charge which has been lodged against a sentenced inmate from jurisdictions in other states.
 - I. Mittimus. A legal document which commits an individual to the custody of the Commissioner of Correction pending disposition of charges (continuance mittimus, family matters mittimus); or pursuant to a sentence (judgement mittimus).
 - J. Remand to Custody. A written order returning a sentenced inmate to a correctional facility from Community Placement or Parole status, or used to house a federal or immigration detainee in a correctional facility.
 - K. Sentence Modification. A court order which alters the decision of the court from which the original sentence was received.

- L. Speedy Trial. A statutorily authorized process afforded a sentenced inmate who has pending untried indictments or information against him in this state within 120 days of court notification.
- M. Temporary Surrender. An inmate admitted to a Department facility by a peace officer or authorized official of Immigration and Naturalization Service, but without a court order.
- N. Warrant. An order from the court empowering the proper legal authorities to perform an act.
- O. Writ of Habeas Corpus. A court order directing that a person in another's custody be produced before a court as specified.

4. Court Appearances.

- A. Habeas Corpus. The appropriate correctional facility shall ensure that an inmate is prepared for transportation to the specified court on the date indicated on any Writ of Habeas Corpus received. Records staff shall initiate the procedure detailed in the Records Manual and notify the appropriate transporting authority.
- B. Continuance Mittimus. The appropriate facility shall ensure an inmate is prepared for transportation to the appropriate court on the date indicated on any Continuance Mittimus received. Records staff shall follow the procedure indicated in the Records Manual and notify the appropriate transporting authority.

5. Commitment. The Department shall ensure that no inmate is admitted to any correctional facility without one (1) or more of the following:

- A. Mittimus indicating commitment of the inmate on findings of probable cause or on adjournments and punishment by imprisonment including imprisonment for nonpayment of a fine, to include, Continuance Mittimus, Family Matters Mittimus, and Judgement Mittimus.
- B. Temporary Surrender indicating the inmate is in accused status and presented by a peace officer, valid until the next possible court date or until bond is posted.
- C. Remand to Custody indicating the inmate is already in sentenced status and presented by a correctional staff member or Parole Officer. A remand to custody shall also be required for a sentenced or unsentenced federal detainee, (to include a Marshall's inmate or an Immigration and Naturalization Services' inmate).
- D. Bench Warrant indicating the inmate is in accused status and may be held until the next court date indicated or until bond is posted. A Bench Warrant shall be accepted at a direct intake facility only.
- E. Capias indicating the inmate is in accused status and may be held until the next court date/session or until bond is posted. Acceptance of a Capias shall be at a direct intake facility only.
- F. Governor's Warrant indicating the inmate may be held until the Governor's Extradition Unit of the Connecticut State Police assume custody.
- G. Interstate Agreement on Detainer normally indicating the inmate is in accused status in Connecticut, but is a sentenced inmate in another jurisdiction. The inmate must be returned to that jurisdiction after all pending Connecticut charges are disposed

of.

- H. Court orders to house inmates pursuant to the Interstate Subpoena Process.
- I. Temporary Confinement of Extradition in a Third State.
- J. Order of Incarceration and Release for Interstate Compact Probation.

6. Speedy Trial.

- A. Upon receiving knowledge of a valid Connecticut warrant, information, or detainer pertaining to a sentenced inmate, that inmate will immediately be notified in writing by the facility Records Department of the presence of that warrant, information or detainer and the inmate's right to a speedy trial.
- B. The Department of Correction shall conduct Connecticut criminal record checks upon admission of a sentenced inmate to any correctional facility, at least every six months during the period of incarceration, 45 days prior to discharge and immediately prior to release in accordance with Administrative Directive 9.3, Admissions, Transfers and Discharges, to determine the presence of any pending charges.

7. Releases. In accordance with Administrative Directive 9.3, Admissions, Transfers and Discharges, the Unit Administrator of each correctional facility or unit, responsible for the administration of a Connecticut sentence, shall ensure that no inmate is released before all the court ordered conditions of confinement pertaining to that inmate have been fulfilled. The Department has an obligation to the court in the following types of releases.

- A. Release to Bond. Bond amounts received will be forwarded to the court on the next business day. The appropriate paperwork documenting the release to bond will also be forwarded to the court. A thorough criminal record check and Inmate Master File review shall be conducted prior to release to bond and the appropriate jurisdiction notified if detainers are found.
- B. Time Served. Each correctional records unit shall ensure that no inmate is held past or discharged prior to completing all sentences as ordered by the court on all judgement mittimuses.
- C. Conviction Vacated. If there are no other sentences present a vacated conviction will return an inmate to unsentenced status on the original charge with a bond amount. Prior to any release regarding a conviction vacated the facility shall be notified in accordance with Administrative Directive 9.3, Admissions, Transfers and Discharges.
- D. Court Ordered Discharge. A sentence modification may result in a court ordered discharge which will authorize a correctional unit to release a sentenced inmate. In accordance with Administrative Directive 9.3, Admissions, Transfers and Discharges, the docket number on the sentence modification must match the docket number on the judgement mittimus, and there must be no other valid sentences or detainers present which shall require continued confinement.

8. Exceptions. Any exception to the procedures in this Administrative Directive shall require the prior written approval from the Commissioner.